


Memorandum

To : Ramon J. Hirsig,
Executive Director

Date : October 21, 2009

From : 
Liz Houser, Deputy Director
Administration Department

Subject : **APPROVAL OF CONTRACT OVER \$1 MILLION**

Your approval is requested to place an Administrative Agenda item before the Board at the November 17, 2009, Board Meeting.

Emergency Amendment Regarding Building Remediation

- Standard Agreement #07-116, Am. 3 – Hygiene Technologies International, Inc.


Because this Agreement exceeds \$1 million, Board Member approval is required. Attached is a short description of the services to be provided. Also attached are copies of the original contract and copies of Amendment 1 and Amendment 2.

With your approval, the Board Proceedings Division will place these items on the Public Agenda Notice and provide a copy of the attachments to each Board Member. If you have any questions or wish to discuss the Board's contracts further, please call Suzan Bills at 327-9517.

LH:kw

Attachments

Approved



Ramon J. Hirsig
Executive Director

BOARD APPROVED

At the _____ Board Meeting

Diane Olson, Chief
Board Proceedings Division

Board of Equalization
Proposed Contracts
Over \$1 Million

Contractor	Start Date	Expire Date	Estimated Total Cost	Purpose
Contract #07-116, Am. 3 Hygiene Technologies International, Inc.	10/5/2007	5/31/2011	\$5,886,000	<p>Building remediation: The Contractor will continue to assess and inspect various documents, boxes, and any other equipment including, but not limited to desks, computers, etc., that may or may not contain fungal growth at the Board's office location on various floors.</p> <p>This amendment increases the total amount of the contract by \$2,110,000 for a total of \$5,886,000 and extends the term of the contract to May 31, 2011.</p>

STANDARD AGREEMENT AMENDMENT

STD. 213 A (Rev 6/03)

☐ CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED _____ Pages

AGREEMENT NUMBER

07-116

AMENDMENT NUMBER

3

REGISTRATION NUMBER

ep 1038080

1. This Agreement is entered into between the State Agency and Contractor named below:

STATE AGENCY'S NAME

State Board of Equalization

CONTRACTOR'S NAME

Hygiene Technologies International, Inc.

2. The term of this

Agreement is October 5, 2007 through May 31, 2011

3. The maximum amount of this \$5,886,000.00

Agreement after this amendment is: Five Million Eight Hundred Eighty Six Thousand Dollars and No Cents

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

The purpose of this Amendment is to increase the contract amount by \$2,110,000.00 for a total of \$5,886,000.00 and to extend the term of the contract to May 31, 2011.

The following changes are made to this contract:

1. On page one of the contract, Item 2., extend the term of this Agreement from October 5, 2007 through December 31, 2009, to October 5, 2007 through May 31, 2011.
2. On page one of the contract, Item 3., increase the dollar amount by \$2,110,000.00 for a total of \$5,886,000.00.

The effective date of this Amendment shall be December 1, 2009.

All other terms and conditions shall remain the same.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

Hygiene Technologies, International, Inc.

BY (Authorized Signature)



DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Brian P. Daly, President

ADDRESS

3625 del Amo Blvd., Suite 180
Torrance, CA 90503-1643

STATE OF CALIFORNIA

AGENCY NAME

State Board of Equalization

BY (Authorized Signature)



DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Suzan Bills, Contract Manager

ADDRESS

450 N Street, MIC 24, Sacramento, CA 95814

CALIFORNIA
Department of General Services
Use Only

☐ Exempt per:

AGREEMENT SUMMARY

STD 215 (Rev 4/2002)

AGREEMENT NUMBER	AMENDMENT NUMBER
07-116	3

☐ **CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED**

1. CONTRACTOR'S NAME Hygiene Technologies International, Inc.		2. FEDERAL I.D. NUMBER 33-0827612
3. AGENCY TRANSMITTING AGREEMENT Board of Equalization	4. DIVISION, BUREAU, OR OTHER UNIT Administration	5. AGENCY BILLING CODE 024000
6. NAME AND TELEPHONE NUMBER OF CONTRACT ANALYST FOR QUESTIONS REGARDING THIS AGREEMENT Kay Weaver phone: 916-445-1174 Email: Kay.Weaver@boe.ca.gov		
7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (If YES, enter prior contractor name and Agreement Number)		

8. BRIEF DESCRIPTION OF SERVICES - LIMIT 72 CHARACTERS INCLUDING PUNCTUATION AND SPACES

Fungal Growth Assessment.

9. AGREEMENT OUTLINE (Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)

The purpose of this contract is for the Contractor to assess and inspect various documents, boxes and any other equipment including but not limited to desks, computers, etc., that may or may not contain fungal growth at the Board's office location on various floors.

This amendment extends the term of the agreement and increases the contract dollar amount.

10. PAYMENT TERMS (More than one may apply.)

<input type="checkbox"/> MONTHLY FLAT RATE	<input type="checkbox"/> QUARTERLY	<input type="checkbox"/> ONE - TIME PAYMENT	<input type="checkbox"/> PROGRESS PAYMENT
<input type="checkbox"/> ITEMIZED INVOICE	<input type="checkbox"/> WITHHOLD _____ %	<input type="checkbox"/> ADVANCED PAYMENT NOT TO EXCEED	
<input type="checkbox"/> REIMBURSEMENT/REVENUE		\$ _____ or _____ %	
<input checked="" type="checkbox"/> OTHER (Explain) Upon receipt of deliverables			

11. PROJECTED EXPENDITURES FUND TITLE	ITEM	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
General	0860-001-0001	07-08	171	2007	1,736,000.00
	0860-001-0001	08-09	268	2008	900,000.00
	0860-001-0001	09-10	1	2009	2,010,000.00
	0860-001-0001	10-11		2010	1,240,000.00
OBJECT CODE 888-4180	PROGRAM CODE 9005	AGREEMENT TOTAL		\$ 5,886,000.00	

OPTIONAL USE

I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.

ACCOUNTING OFFICER'S SIGNATURE

DATE SIGNED

A

AMOUNT ENCUMBERED BY THIS DOCUMENT

\$ 2,110,000.00

PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT

\$ 3,776,000.00

TOTAL AMOUNT ENCUMBERED TO DATE

\$ 5,886,000.00

12. AGREEMENT	TERM		TOTAL COST OF THIS TRANSACTION	BID, SOLE SOURCE, EXEMPT
	From	Through		
Original	10/05/07	06/30/08	\$ 936,000.00	Exempt
Amendment No. 1	10/5/07	06/30/09	\$ 1,700,000.00	
Amendment No. 2	10/5/07	12/31/09	\$ 1,140,000.00	
Amendment No. 3	10/5/07	05/31/11	\$ 2,110,000.00	
TOTAL			\$ 5,886,000.00	

(continue)

AGREEMENT SUMMARY

STD 215 (Rev 4/2002)

13. BIDDING METHOD USED:☐ REQUEST FOR PROPOSAL (RFP)*(Attach justification if secondary method is used)*☐ INVITATION FOR BID (IFB)☐ USE OF MASTER SERVICE AGREEMENT☐ SOLE SOURCE CONTRACT*(Attach STD. 821)*☒ EXEMPT FROM BIDDING*(Give authority for exempt status)*☒ OTHER (Explain)

MM03-10

Emergency Contract SCM

NOTE: Proof of advertisement in the State Contracts Register or an approved form
STD. 821, Contract Advertising Exemption Request, must be attached

14. SUMMARY OF BIDS *(List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank)***15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, PLEASE EXPLAIN REASON(S)** *(If an amendment, sole source, or exempt, leave blank)***16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?**

Price is comparable to Industrial hygienist Specialists services

17. JUSTIFICATION FOR CONTRACTING OUT *(Check one)*
☐ Contracting out is based on cost savings per Government Code
19130(a). The State Personnel Board has been so notified.

☒ Contracting out is justified based on Government Code 19130(b).
Justification for the Agreement is described below.
Justification:

(b)(3) The services contract are not available within civil service, cannot be performed satisfactorily by civil service employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience and ability are not available through the civil service system.

18. FOR AGREEMENTS IN EXCESS OF \$5,000, HAS THE LETTING OF THE AGREEMENT BEEN REPORTED TO THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING?☐ NO ☒ YES ☐ N/A**19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10?**☐ NO ☒ YES ☐ N/A**20. FOR CONSULTING AGREEMENTS, DID YOU REVIEW ANY CONTRACTOR EVALUATIONS ON FILE WITH THE DGS LEGAL OFFICE?**☐ NO ☐ YES NONE ☒ N/A ON FILE**21. IS A SIGNED COPY OF THE FOLLOWING ON FILE AT YOUR AGENCY FOR THIS CONTRACTOR?**

A. CONTRACTOR CERTIFICATION CLAUSES

B. STD. 204, VENDOR DATA RECORD

☐ NO ☒ YES ☐ N/A ☐ NO ☒ YES ☐ N/A**22. REQUIRED RESOLUTIONS ARE ATTACHED**☐ NO ☐ YES ☒ N/A**23. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED?** *(If an amendment, explain changes, if any)*☒ NO *(Explain below)*☐ YES *(If YES complete the following)*

DISABLED VETERAN BUSINESS ENTERPRISES: _____ % OF AGREEMENT

☐ Good faith effort documentation attached if 3% goal is not reached☐ We have determined that the contractor has made a sincere good faith effort to meet the goal*Explain:*

This is an Emergency Contract and is exempt from DVBE requirements

24. IS THIS A SMALL BUSINESS CERTIFIED BY OSBCR?☒ NO ☐ YES *(Indicate Industry Group)* _____

SMALL BUSINESS REFERENCE NUMBER

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN ONE YEAR? *(If YES, provide justification)*☒ NO ☒ YES

This is a highly specialized service and has taken more than two years to complete. This project needs to be flexible with the timeframe based in the special needs and services to be performed.

*I certify that all copies of the referenced Agreement will conform to
the original Agreement sent to the Department of General Services.*

SIGNATURE/TITLE



, Contract Manager

DATE SIGNED

AGREEMENT SUMMARY

STD 215 (Rev 4/2002)

Budget Breakdown Detail

07-116.2 Hygiene Technologies International, Inc.

Budget Breakdown for Hygiene Technologies, 07-116, Am. 3

FY 07/08	Amount	FY 08/09	Amount	FY 09- 10	Amount	FY 10- 11	Amount	Contract Total
Jul-07		Jul-08	\$75,000.00	Jul-09	\$190,000.00	Jul-10	\$145,000.00	
Aug-07		Aug-08	\$75,000.00	Aug-09	\$190,000.00	Aug-10	\$145,000.00	
Sep-07		Sep-08	\$75,000.00	Sep-09	\$190,000.00	Sep-10	\$145,000.00	
Oct-07	\$192,888.88	Oct-08	\$75,000.00	Oct-09	\$190,000.00	Oct-10	\$145,000.00	
Nov-07	\$192,888.89	Nov-08	\$75,000.00	Nov-09	\$190,000.00	Nov-10	\$145,000.00	
Dec-07	\$192,888.89	Dec-08	\$75,000.00	Dec-09	\$190,000.00	Dec-10	\$145,000.00	
Jan-08	\$192,888.89	Jan-09	\$75,000.00	Jan-10	\$145,000.00	Jan-11	\$145,000.00	
Feb-08	\$192,888.89	Feb-09	\$75,000.00	Feb-10	\$145,000.00	Feb-11	\$145,000.00	
Mar-08	\$192,888.89	Mar-09	\$75,000.00	Mar-10	\$145,000.00	Mar-11	\$26,666.67	
Apr-08	\$192,888.89	Apr-09	\$75,000.00	Apr-10	\$145,000.00	Apr-11	\$26,666.67	
May-08	\$192,888.89	May-09	\$75,000.00	May-10	\$145,000.00	May-11	\$26,666.66	
Jun-08	\$192,888.89	Jun-09	\$75,000.00	Jun-10	\$145,000.00			
	<u>\$1,736,000.00</u>		<u>\$900,000.00</u>		<u>\$2,010,000.00</u>		<u>\$1,240,000.00</u>	<u>\$5,886,000.</u>